

AMENDED IN ASSEMBLY JUNE 1, 2011

SENATE BILL

No. 869

Introduced by Senator Yee

February 18, 2011

An act to add Section 9884.76 to the Business and Professions Code, *and to amend Section 27317 of the Vehicle Code*, relating to automotive repair dealers.

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as amended, Yee. Automotive repair dealers: airbags.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. Existing law provides that a person who fails to comply with the act is guilty of a misdemeanor and punishable by a fine not exceeding \$1,000, by imprisonment not exceeding 6 months, or by both that fine and imprisonment, except as specified.

This bill would provide that an automotive repair dealer who prepares a written estimate for repairs that includes replacement of a deployed airbag, as specified, who fails to repair and fully restore the airbag, as specified, is guilty of a misdemeanor that is punishable by a \$5,000 fine, by one year imprisonment in a county jail, or by both that fine and imprisonment.

Existing law provides that a person who knowingly installs or reinstalls for compensation, or who distributes or sells, any previously deployed airbag is guilty of a misdemeanor punishable by a fine of \$5,000 or confinement in a county jail for one year or both that fine and confinement.

This bill would exempt from that misdemeanor provision an automotive repair dealer who complies with the above provision regarding the repair and restoration of a depolyed airbag.

Because this bill would create a new crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9884.76 is added to the Business and
2 Professions Code, to read:

3 9884.76. Notwithstanding Section 9889.20, an automotive
4 repair dealer who prepares a written estimate for repairs pursuant
5 to Section 9884.9 that includes replacement of a deployed airbag
6 that is part of an inflatable restraint system, and who fails to repair
7 and fully restore the airbag *that is part of an inflatable restraint*
8 *system* to its original operating condition, where the customer has
9 paid for the airbag as provided in the estimate, is guilty of a
10 misdemeanor punishable by a fine of five thousand dollars (\$5,000)
11 or by imprisonment in a county jail for one year or by both that
12 fine and imprisonment.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 SEC. 2. Section 27317 of the Vehicle Code is amended to read:

23 27317. ~~Any~~ Except as provided by Section 9884.76 of the
24 Business and Professions Code, any person who installs or
25 reinstalls for compensation, or who distributes or sells, any

1 previously deployed air bag that is part of an inflatable restraint
2 system, if the person knows that the air bag has been previously
3 deployed, is guilty of a misdemeanor punishable by a fine of five
4 thousand dollars (\$5,000) or by confinement in ~~the~~ *a* county jail
5 for one year or by both that fine and confinement.

O